

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIOUnited States et al
Plaintiff

CASE NO:

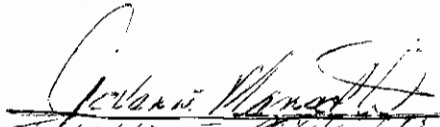
2006 MAR 14 PM 12:06 PM
Judge W. RICE [C.J.]

- VS -

JOVANNI F. MANAGOTTI
Defendant ProseDefendants Motion for Release
on Conditional Release Pending
Sentencing pursuant to 18 USC
§ 3141, § 3142, and § 3143,
{IN CAMERA, UNDER SEAL}

Now come the defendant by and through pro-se, pursuant to authority of the Courts notations ORDER, sustaining defendants Motion for leave to file Prose, who respectfully moves this Honorable Court for an order to Release the Defendant on a Conditional Release from custody pending final sentencing of the defendant, brief and memorandum attached.

Respectfully Submitted,


JOVANNI F. MANAGOTTI
Defendant pro-se
201 W. MAIN ST.
TOLDO, OHIO 45373Brief and Memorandum

Defendant states that he has been in Custody since May 23, 2002, which has been 3 years, 10 months, and 2 weeks, from the time of this filing, within that same 4 year period he has suffered many abusive hardships, including, but not limited to; Physical assault on his person for agreeing to cooperate with the Federal Government, which resulted in broken bones

and severe trauma; transfers to facilities that are not adequately close to either the defendant's family or his attorney; and said facilities that have repeatedly violated numerous civil rights of the defendant through many means to include gross negligence, and this defendant being indigent and without means to pursue a civil action; and said transfers contrary to the ORDER sustaining the Defendant's Request for a transfer to a LCK facility close to home of the defendant and his attorney so ORDER on May 26th 2005, which outlines the said.

THE Defendant and his family and friends have notified both the Courts and the U.S. Marshal service of said abuses, and complaints have gone ignored.

Defendant had been ^{ORDERED} ~~ORDERED~~ by the Courts to undergo Psychological evaluation at Butner North Carolina (FCI) where the defendant maintains that a proper evaluation was never given, though the evaluation ~~per~~ report contends that the evaluation [Report] was prepared in saying that the defendant may exhibit signs consistent with adult anti social personality disorder, though defense objects strongly to this report and its finding, the Court has indicated that if in fact any illness exists, the defendant may be required to undergo treatment; whereas this alleged evaluation, a legally occurred nearly 3 yrs ago, if in fact the defendant had been suffering any illness at all which requires any treatment or counseling, it would again be grossly negligent to ignore the alleged illness for a near 3 yr period without intervening.

Defendant also contends that pursuant to 18 USC § 314(b), a judicial officer in a Court of Original Jurisdiction over an offense shall Order that pending imposition on execution

of sentence a person be released or detained, whereas the defendant contends that pursuant to 18 USC § 3142(c)(1) a defendant may remain in the custody of a person who assumes responsibility or agrees to supervise the defendant, and regarding 18 USC § 3142(c)(3)(X) provides that while on conditional release the defendant undergo any available medical, psychological, or psychiatric services.

The defendant may be placed in Community Confinement Center (Halfway House) pending sentencing, or other final disposition, the defendant may be placed on House arrest as well, or other means of restrictions set by the Court.

Pursuant to 18 USC 3143(a)(2)(B) the Court may release a person having been found guilty of an offense, if the judicial officer finds clear and convincing evidence that the person is not likely to flee or pose danger to any other person or the community.

The defendant asserts that he is not a danger to any person or the community, and has readily available employment to help his family, also the defendant has recently been made aware that his biological daughter has been placed with a different set of parents, by the Courts of Cuyahoga County Ohio, the result of an illegal adoption that the Courts have asserted that as long as the Defendant is incarcerated he can not contest or challenge.

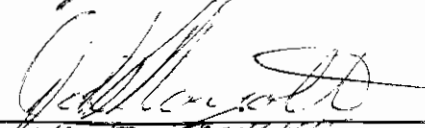
Furthermore, aside from the lengthy pre-sentencing delays, that defendant has suffered numerous unnecessary, and undue hardships since incarcerated, not listed herein, and ~~he~~ would like to address the Courts on such.

The defendant has informed his attorney of his ~~and~~ wishes to pursue this issue and more, and has either been told directly no, or just ignored altogether.

Also the defendant has waited since Feb. 23, 2006, on a response from the Courts on the Defendants choice of expert witness, which the defendant feels is another lengthy delay, causing yet more undue hardship.

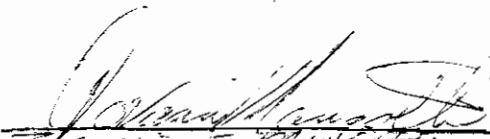
Defendant requests an oral hearing to address the Court on these and other issues.

Respectfully


 Joseph E. Mancotti
 Defendant Pro-se
 221 W. Main St.
 Eady Ohio 45373

Proof of Service

A foregoing copy was mailed to the US Attorneys Office in Cincinnati Ohio, attn: Mr. AMIL Tripan, on this 13th Day of March, 2006.


 Joseph E. Mancotti